

# GRAE & GRAE LLC

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MEMO ENDORSED

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November 15, 2019

**VIA ECF**

Honorable Ronnie Abrams  
United States District Judge  
United States District Court for the  
Southern District of New York  
40 Foley Square  
New York, New York 10007

**USDC-SDNY**  
**DOCUMENT**  
**ELECTRONICALLY FILED**  
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Re: **Trustees of the New York City District Council of Carpenters**  
**Pension Fund, et al. v. Skyworx Contracting, Inc. et al., 1:19-cv-06747-RA**

Dear Judge Abrams:

The undersigned's law offices are counsel to Philadelphia Indemnity Insurance Company ("Philadelphia"), Defendant in connection with the above-referenced matter. Pursuant to Rule 1(B) of Your Honor's Individual Rules & Practices in Civil Cases (the "Individual Rules"), and on behalf and consent of all parties to the herein action, Philadelphia writes to respectfully request that the Initial Conference, presently scheduled to be convened before the Court on November 22, 2019, at 10:30 a.m., as well as today's deadline by which the parties' are to jointly submit a proposed case management plan and scheduling order, be adjourned to **December 9, 2019**, and **December 2, 2019**, respectively.

The reason for the herein request is that a temporary suspension of the parties' ongoing efforts aimed at resolving the matter has been necessitated as a result of Plaintiffs' filing today of an Amended Complaint, wherein the sums claimed to be due and owing have been modified from those originally pled. Specifically, while a significant payment has been remitted to Plaintiffs in the belief that same would fully and finally resolve Plaintiffs' claims in their entirety, Plaintiffs' efforts at confirming whether all disputed sums have been paid has recently disclosed that additional monies may be owed. Accordingly, the parties respectfully request a reasonable adjournment so as to afford them the additional time necessary to examine and discuss the additional sums to which Plaintiffs have now alleged entitlement in their Amended Complaint.

The parties address each of the enumerated requirements governing requests for adjournments set forth in Rule 1(D) of Your Honor's Individual Practices as follows:

1. Pursuant to the Court's Order July 22, 2019, the Initial Conference in this matter was scheduled for October 11, 2019, in advance of which the parties were to

- jointly submit a proposed case management plan and scheduling order on October 4, 2019 (ECF No. 20)
2. This is the parties third request for an adjournment of the Initial Conference and deadline by which to jointly submit their proposed case management plan and scheduling order;
  3. This Court granted the parties' prior requested adjournments of the Initial Conference and deadline by which to jointly file their proposed case management plan and scheduling order;
  4. Counsel for all parties consent to the herein request.

Inasmuch as Plaintiffs have today filed their Amended Complaint, the deadline by which Defendants herein are to answer or otherwise move in respect of same is December 6, 2019. *See* FED R. CIV. P 12(a).

Accordingly, and good cause therefor having been shown, the parties respectfully request that the Initial Conference presently scheduled to be convened before Your Honor on November 22, 2019, at 10:30 a.m., as well as today's deadline by which the parties are to jointly submit their proposed case management plan and scheduling order, be adjourned to **December 9, 2019**, and **December 2, 2019**, respectively.

Respectfully submitted, .

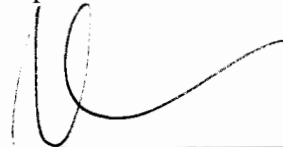


Previn A. Waran, Esq.  
GRAE & GRAE, LLC

*Attorneys for Defendant,  
Philadelphia Indemnity Insurance Company*

Application granted. The Initial Conference is hereby adjourned to December 9, 2019 at 2 p.m.

SO ORDERED.



Hon. Ronnie Abrams  
11/18/2019